

BRIAN J. STRETCH (CSBN 163973)
Acting United States Attorney

KYLE F. WALDINGER (ILSB 6238304)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 08-0237 MHP
)	
Plaintiff,)	
)	STIPULATION AND [PROPOSED]
v.)	ORDER DOCUMENTING
)	EXCLUSION OF TIME
DAVID NOSAL and)	
BECKY CHRISTIAN,)	
)	
Defendant.)	

With the agreement of the parties in open court on June 16, 2008, and with the consent of the defendant Becky Christian (“defendant”), the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from April 29, 2008 to June 23, 2008. The parties stipulate, and the Court finds and holds, as follows:

1. The defendant made her initial appearance before Magistrate Judge Larson on April 29, 2008. The co-defendant David Nosal previously had made his initial appearance before Magistrate Judge Larson on April 25, 2008. The government and Nosal stipulated, and Magistrate Judge Larson held, that time should be excluded from April 25, 2008 to May 19, 2008 for the reasons set forth in an order dated May 1, 2008. See CR 9.

2. The defendant made her initial appearance before this Court on May 5,

STIP. & [PROPOSED] ORDER DOCUMENTING
EXCLUSION OF TIME [CR 08-0237 MHP]

1 2008. The Court continued the matter to May 19, 2008 so that all parties could be present
2 before the Court. At the May 19, 2008 hearing, this Court set a briefing and hearing
3 schedule with respect to the defendant Christian's motion to sever. In an order dated May
4 27, 2008, the Court found that time should be excluded under the Speedy Trial Act from
5 May 19, 2008 to the date of the hearing on Christian's motion, June 16, 2008. See CR 18.

6 3. The defendant Christian and the United States agree, and the Court holds,
7 that time is properly excluded under the Speedy Trial Act with respect to Christian's case
8 from April 29, 2008 to June 16, 2008 based on the Speedy Trial Act exclusion orders
9 described above because that period of time is a "reasonable period of delay" pursuant to
10 18 U.S.C. § 3161(h)(7).

11 4. The defendant Christian and the United States also agree, and the Court also
12 holds, that time was automatically excluded under the Speedy Trial Act from May 30,
13 2008 (the date that Christian filed her motion to sever) to the date on which this Court
14 ruled on that motion, June 16, 2008. See 18 U.S.C. § 3161(h)(1)(F).

15 5. At the hearing on June 16, 2008, the Court granted the defendant
16 Christian's motion to sever and set a trial date of August 5, 2008. Counsel for the
17 defendant indicated that counsel would need additional time, until June 23, 2008, to
18 determine whether to file any additional pretrial motions.

19 6. The Court finds that, taking into the account the public interest in the
20 prompt disposition of criminal cases, giving defense counsel until June 23, 2008 to
21 determine whether to file any additional pretrial motions is necessary for effective
22 preparation of defense counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). Given these
23 circumstances, the Court finds that the ends of justice served by excluding the period
24 from June 16, 2008 to June 23, 2008 outweigh the best interest of the public and the
25 defendant in a speedy trial. Id. § 3161(h)(8)(A).

26 7. Accordingly, and with the consent of the defendant Becky Christian, the
27 Court orders that the period from and including April 29, 2008 to June 23, 2008 be
28 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv)

1 with respect to the defendant Becky Christian.

2
3 SO STIPULATED.

4 DATED: June 19, 2008

BRIAN J. STRETCH
Acting United States Attorney

5
6
7 /s/
KYLE F. WALDINGER
Assistant United States Attorney

8
9 SO STIPULATED.

10 DATED: June 19, 2008

11 /s/
STEVEN M. BAUER
DANIELLE A. LACKEY
JOHN F. WALSH
Attorneys for the defendant Becky Christian

12
13
14 IT IS SO ORDERED.

15 DATED: June 20, 2008

